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Filing date: **06/12/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Bandersnatch Group, Inc.		
Entity	Corporation	Citizenship	South Carolina
Address	129 Tradd Street Charleston, SC 29401 UNITED STATES		

Attorney information	Mitchell A. Tuchman Womble Carlyle Sandridge & Rice, LLP P.O. Box 13069 Research Triangle Park, NC 27709 UNITED STATES atltrademarks@wcsr.com, mtuchman@wcsr.com Phone:919-484-2333
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### Registration Subject to Cancellation

Registration No	2942662	Registration date	04/19/2005
Registrant	NOVA GAMING, LLC Suite 301 GREENVILLE, SC 29601 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 009. First Use: 2004/04/30 First Use In Commerce: 2004/04/30 All goods and services in the class are cancelled, namely: gaming machines and computer game software
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	WHEEL TIME - Petition for Cancellation.pdf(38193 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mitchell A. Tuchman/
Name	Mitchell A. Tuchman
Date	06/12/2014



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 2,942,662	)	
Mark: WHEEL TIME	)	
Registrant: Nova Gaming, LLC	)	
	)	
	)	
BANDERSNATCH GROUP, INC.	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. _____
	)	
NOVA GAMING, LLC,	)	
	)	
Registrant	)	
_____	)	

**PETITION FOR CANCELLATION**

Petitioner Bandersnatch Group, Inc. (“Petitioner”), a South Carolina corporation located at 129 Tradd Street, Charleston, South Carolina 29401, hereby petitions for cancellation of Registration No. 2,942,662 for the mark WHEEL TIME, owned by Nova Gaming, LLC (“Registrant”). The specific grounds for the cancellation are as follows:

1. The records of the U.S. Patent and Trademark Office show that the Registration sought to be cancelled is U.S. Registration No. 2,942,662 for the mark WHEEL TIME for “gaming machines and computer game software” in International Class 9 (“Registrant’s Mark”), owned by Nova Gaming, LLC, located at 620 North Main Street, Suite 301, Greenville, South Carolina 29601.
2. Registrant claims a date of first use in commerce of April 30, 2004, for all goods identified in the Registration sought to be cancelled.

3. Petitioner is the owner of U.S. Trademark Application Serial No. 85/928,345, filed on May 10, 2013, for the mark THE WHEEL OF TIME for use in connection with downloadable electronic games derived from and promoting a series of fantasy adventure books collectively entitled "The Wheel of Time" in Class 9 and entertainment services, namely, providing online electronic games derived from and promoting a series of fantasy adventure books collectively entitled "The Wheel of Time" in Class 41.
4. Petitioner is the owner of U.S. Trademark Registration No. 4,528,225 for the mark THE WHEEL OF TIME for use in connection with jewelry, excluding watches, promoting a series of fantasy adventure books in Class 14.
5. Petitioner is the owner of U.S. Trademark Registration No. 4,494,271 for use in connection with swords in Class 8; downloadable e-books in the nature of novels and audio books in the nature of novels in Class 9; series of fiction works, namely, novels and books; comic books; graphic novels; and artwork, namely, posters and printed works on paper in Class 16; clothing, namely, T-shirts and costumes based on characters from a fantasy book series in Class 25; and playing cards in Class 28.
6. On September 9, 2013, Petitioner received an office action from the U.S. Patent and Trademark Office refusing registration of Petitioner's Mark based on a likelihood of confusion with Registrant's Mark.
7. On November 18, 2013, Petitioner submitted a response to the office action, arguing that no such likelihood of confusion exists.
8. On December 13, 2013, Petitioner received a second office action from the U.S. Patent and Trademark Office maintaining the refusal to register Petitioner's Mark based on a likelihood of consumer confusion with Registrant's Mark.

9. Petitioner will be damaged by the continued registration of Registrant's Mark.
10. Upon information and belief, Registrant has abandoned the mark covered by U.S. Registration No. 2,942,662. Cancellation is, therefore, appropriate under Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3).
11. Upon information and belief, Registrant has discontinued use of Registrant's Mark (if use ever existed) in connection with all the goods set forth in the Registration sought to be cancelled with the intent to abandon Registrant's Mark.
12. Upon information and belief, Registrant does not intend to resume use of such mark for all the goods specified.
13. Petitioner has standing to bring this cancellation action because Petitioner's Mark has been refused registration based on a likelihood of confusion with Registrant's Mark.

WHEREFORE, Petitioner prays for cancellation of U.S. Registration No. 2,042,662 and that this Petition be granted in favor of Petitioner.

This 11th day of June, 2014.

Respectfully submitted,

/Mitchell A. Tuchman/  
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ATTORNEY FOR BANDERSNATCH GROUP, INC.

**CERTIFICATE OF MAILING**

I do hereby certify that on June 11, 2014, I filed via electronic means (ESTTA) this PETITION FOR CANCELLATION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

/Laura A. Echols/\_\_\_\_\_

Laura A. Echols, Paralegal

**CERTIFICATE OF SERVICE BY MAIL**

I do hereby certify that on June 11, 2014, I mailed by United States mail, first class postage prepaid, a true and correct copy of this PETITION FOR CANCELLATION to:

Douglas W. Kim, Esq.  
Elizabeth D. Christian, Esq.  
Attorneys for Registrant  
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Greenville, South Carolina 29602  
dkim@mcnair.net

/Laura A. Echols/\_\_\_\_\_

Laura A. Echols, Paralegal